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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,817	08/22/2000	Manabu Kitamura	ASA-911	9116

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MATTINGLY, STANGER & MALUR, P.C.  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER

MOAZZAMI, NASSER G

ART UNIT	PAPER NUMBER
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2187

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DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/642,817

Applicant(s)

KITAMURA ET AL.

Examiner

Nasser G Moazzami

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9, 10 and 14 is/are rejected.
- 7) ☒ Claim(s) 4-6, 8 and 11-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on August 27, 1999. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

### ***Information Disclosure Statement***

2. The Information Disclosure Statement submitted by applicant on 08/22/2000 has been considered. Please see attached PTO-1449.

### ***Drawings***

3. The drawings submitted by applicant have been approved by the office draftsperson.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-3, 7, 9-10, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Blumenau et al, hereinafter Blumenau (U.S. Patent No. 6,260,120).

As per claims 1, and 7, Blumenau discloses a computer system comprising: first computers **[Host 22 through Host 25 (see Fig. 1)]**; a storage device subsystem including storage devices holding therein data to be accessed by said first computers **[storage volumes 28-31 (see Fig. 1)]**; and a second computer having therein device management data on said storage devices possessed by said storage device subsystem and also having host computer management data indicative of assignment states of said first computers to said storage devices **[storage controller 27 (see Fig. 1); storage controller stores respective specification of each host processor of a respective subset of data storage in a memory and stores associated information identifying each host processor (column 3, lines 59-64)**, wherein said first computer has request means for receiving a request of a new storage device from a user or application program and requiring said second computer to assign the new storage device, said second computer has determination means, in response to the request from said request means, for determining one of the storage devices assignable to said first computer by referring to said device management data and said host computer management data and also has modification means for modifying setting of said storage device subsystem in such a manner that the storage device determined by said determination means can be accessed by said first computer **[request for storage access from the host processor contains identification of the host processor and specification of a portion of the data storage to access and the storage controller**

**respond to the request by using the identification of the host and searching for associated information and accessing the respective specification which is associated with the associated information identifying the host processor and accessing the specific portion of the data storage (column 3, line 64 through column 4, line 28)].**

As per claim 2, Blumenau teaches that said storage device is at least part of storage areas of the physical storage devices provided in said storage device subsystem **[portion of the data storage]**.

As per claim 3, Blumenau teaches that said request means requires said assignment and sends, to said second computer, data for specification of conditions of the storage device to be assigned **[whether the data storage is accessible or not]**.

As per claims 9-10, and 14, claims 9-10, and 14 encompass the same scope of the invention as those of claims 1-3, and 7. Therefore, claims 9-10, and 14 are rejected for the same reasons as stated above with respect to claims 1-3, and 7.

***Allowable Subject Matter***

6. Claims 4-6, 8, 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 15-16 are allowed.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,542,962 (Kodama et al.)

U.S. Patent No. 6,044,442 (Jesionowski)

U.S. Patent No. 5,903,913 (Ofer et al.)

U.S. Patent No. 5,619,690 (Matsumani et al.)

U.S. Patent No. 4,607,346 (Hill)

EP 0 990 988 A2 (Hino et al.)

EP 0 881 560 A2 (Nakano et al.)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser G Moazzami whose telephone number is (703) 305-0017. The examiner can normally be reached on 7:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (703) 308-1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**NASSER MOAZZAMI**  
**PRIMARY EXAMINER**

  
03/17/2004